

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 4, 2007

DEPARTMENT: CITY MANAGER'S OFFICE

DIRECTOR: ELIZABETH FRETWELL

☐ Consent ☒ Discussion

SUBJECT:

ADMINISTRATIVE:

Discussion and possible action concerning the status of 2007 legislative issues - All Wards

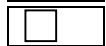
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Staff will report on pending legislation of the 2007 Nevada State Legislature

RECOMMENDATION:

It is recommended that the City council accept the report and direct staff, if necessary

BACKUP DOCUMENTATION:

Submitted at meeting – Legislative Report by Chris Knight

Motion made by GARY REESE to Approve to Accept the report, with direction to staff to follow-up on the directions given by the Council

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON,
OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

CHRIS KNIGHT, Director of Administrative Services, detailed the Legislative Report, a copy of which he submitted and is made a part of the minutes, and gave the Council an update of the status of the various Senate and Assembly Bills.

Regarding AB 514, MAYOR GOODMAN opined that the presentation that certain members of the City of Las Vegas Municipal Court made to the legislature was an embarrassment to the City. There was nothing in AB 514 that pertained to the Court, because what was originally contemplated was taken out. But, because the Court was unable to agree on the language and on the item, City staff believed it was imperative to go forward to address the changes needed in the City Charter. The Judges spoke to and lobbied certain legislators, and the Council was advised

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that the Judges were angry, disappointed and frustrated, to the point that the bill, which the City desperately needs, was not going anywhere.

Hence, COUNCILMAN WOLFSON, DEPUTY CITY MANAGER FRETWELL and all the Judges met with him, at which time he disclosed to them exactly how he felt. The Judges indicated to him that they could not come to an accord. Therefore, he advised them that nothing pertaining to the Judges would be a part of the bill to be presented to the Committee and for consideration by the legislature, which he asked MR. KNIGHT to take in the form of a direction.

As far as AB 526, MR. KNIGHT indicated that an amendment was drafted, and it is being reviewed further by staff. The impact would not be as high as anticipated, but it would still negatively impact the City's revenue stream. He deferred to MARK VINCENT, Director of Finance and Business Services, who gave some history on the bill. The telecom and cable industries partnered to craft AB 526, which poses a concern to City staff, because of the way in which it redefines gross revenue stemming from cable services. If passed in its original form, the City would lose about \$1 million to the general fund. The bill proposes to put a cap on PEG (public education governmental) channels, and the language is unclear as to who would pay to deliver those signals to the providers' hub. The bill also contemplates that the City would have to act within ten days on permits for right-of-way work, for which the City would not be able to collect permit fees. And the franchise agreement would be issued by the State, who would maintain the ability to conduct audits every three to five years.

Staff has been working with the industry on an amendment to redefine gross revenues, keeping the subscriber revenues whole and without deductions, and to eliminate the collection of franchise fees and non-subscriber revenues, which would reduce the impact to the revenue stream to about \$400,000. The amendment also includes grandfathering in the existing PEG channels, the City retaining the ability to charge permit fees for right-of-way work and maintaining audits of the franchise at the local level. Staff will continue to work with the industry on the details.

COUNCILWOMAN TARKANIAN asked if AB 473 addresses the problem of a mandatory HOA (homeowners association), so that, if an HOA is formed with 80 percent of the homeowners, the remaining 20 percent would still be protected. MR. KNIGHT was uncertain the bill addresses that specific scenario. He explained that the bill contemplates that, in the case of street vacations, the unyielding 20 percent would just be absorbed in. COUNCILWOMAN TARKANIAN indicated that, if participation in an HOA is voluntary, how does this bill propose to protect those unwilling to participate? DEPUTY CITY ATTORNEY SCOTT rejoined that the bill does not address a mandatory HOA; it only provides that 80 percent of the persons affected by the privatization of streets would have to agree.

MAYOR GOODMAN directed MR. KNIGHT to oppose AB 605, noting that it is absurd to prohibit public officials from using government property to deal with campaign matters. Also, MAYOR GOODMAN supported pursuing AB 581, stating that the more regional government available to resolve issues the better. COUNCILMAN WOLFSON also supported the bill, because it would relieve the authority from the County Commission and give it to a regional

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authority.

Regarding AB 438, which the billboard industry strongly supports and is unwilling to negotiate, COUNCILWOMAN TARKANIAN stated that it was placed on a Friday evening and heard at 9:00 a.m. the next morning, allowing very little time for dissemination of any information or for anyone to attend the hearing. City staff was present and did the best possible job. But this is an example of a very rich, powerful business entity unwilling to yield. Her constituents are absolutely opposed, because it will take away the elected officials' ability to control the billboard industry and will take away all checks and balances. She urged all residents to voice their concerns through their representatives.

COUNCILMAN WOLFSON shared the concerns of COUNCILWOMAN TARKANIAN. He asked MR. KNIGHT what the general public could do in such a short amount of time. MR. KNIGHT indicated that the citizenry could voice their concerns to the Assembly Government Affairs Committee. COUNCILWOMAN WILLIAMS expressed her opposition to the bill, noting that she too is very concerned. COUNCILMAN ROSS remarked that the State is trying to take away the ability of local governments to make choices for their communities. He urged all citizens to actively voice their concerns.

COUNCILMAN BROWN asked MR. KNIGHT about the industry's response to the City's proposal. MR. KNIGHT answered that the industry is taking the amendments under advisement, but has adamantly indicated that it is not backing down. COUNCILMAN BROWN then concurred with the comments of COUNCILMAN ROSS, adding that regulation should stay at the local levels. He noted that the City is the only entity still allowing new billboards, and that the Council has been fair in dealing with the industry. However, AB 438 is abusive, abrasive and offensive; the Council should fight it aggressively.

MAYOR GOODMAN said this is a matter of home rule, and whether municipalities will fall under it or Dillon's Rule, which would subject municipalities to the caprices of the State. He certainly hopes that the message that the municipalities need discretion to govern their jurisdictions is conveyed to the State, because the municipal elected officials are responsible for making decisions for their constituents. DEPUTY CITY MANAGER FRETWELL explained that the billboard matter is not necessarily a home-rule issue, because, if authority were taken away from the City through the legislative process, the matter would be out of the purview of the City, even if Nevada were a home-rule state. Home-rule addresses issues that are not addressed in the statutes. CITY ATTORNEY JERBIC confirmed the comments of DEPUTY CITY MANAGER FRETWELL.

COUNCILMAN BROWN interjected that some years ago the City started discussions in Carson City about the areas saturated with long-standing billboards. The billboard industry was able to get legislation passed that prevented the municipalities from reviewing those billboards and designating a timeframe for their removal. Consequently, discussions commenced between the City and the industry about the possibility of removing some of the nuisance billboards in exchange for allowing them to be posted in more appropriate areas. This was a very pro-active approach, yet they are responding very negatively.

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COUNCILMAN REESE concurred with the comments of COUNCILMAN BROWN, adding that there have been issues with the billboard industry for the past two sessions of the legislature. In order to secure the City's ability to control billboards, it is imperative that staff identify those legislators that might be sympathetic to the City, so that the individual Councilmembers can try to meet with them.

COUNCILMAN BROWN directed MR. KNIGHT to send the message out to the billboard industry and their lobbyists that the City is not going down without a fight.

